

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

before the
ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of
PUBLIC SERVICE COMPANY OF NEW
HAMPSHIRE, et al.
(Seabrook Station, Units 1 & 2)

Docket Nos. 50-443-OL
50-444-OL

APPLICANTS' RESPONSE TO
"FURTHER AMENDMENT OF PETITION
FOR LEAVE TO INTERVENE
OF SUN VALLEY ASSOCIATION"

On June 15, 1982 Sun Valley Association (SVA) filed a
"Further Amendment of Petition for Leave to Intervene." By
this amendment SVA seeks to amend its contentions by
striking all of those previously filed and substituting
therefore two stated contentions. Applicants respond to
this latest pleading as follows:

SVA's first proposed contention is:

"1. The Seabrook Station off-site emergency
planning does not comply with applicable provisions
of 10 CFR Section 50.47, 10 CFR Section 50,
Appendix E and NUREG-0654"

Applicants object to this contention only insofar as it
includes a reference to NUREG-0654. NUREG-0654 is not a

regulation and compliance with it is unnecessary for that reason. An applicant need only demonstrate compliance with the regulations. Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station), ALAB-161, 6 AEC 1003 (1973), affirmed, CLI-74-2, 7 AEC 2, affirmed sub nom. Citizens for Safe Power v. NRC, 524 F.2d 1291 (D.C. Cir. 1975); NRC Policy Statement, 45 F.R. 41738 (June 20, 1980).

SVA's second contention is:

"2. Off-site emergency planning based upon existing egress routes cannot reasonably ensure the safe removal of the local populace in the event of a nuclear accident. The cornerstone of an evacuation plan which might be deemed adequate under the applicable regulations would be the construction of a new highway linking the Hampton Beach-Seabrook Beach area with the Interstate Highway System."

SVA supplies no basis for its contention. SVA tells us nothing about what accident is involved. TMI-2 was a "nuclear accident". Safe evacuation for that "accident" could have been accomplished on foot by a burro path. Contentions of this nature are so vague and non specific as to fail to put the applicants on notice as to what they must prove. The contention should, therefore, be excluded. Philadelphia Electric Co. (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-216, 8 AEC 13, 20 (1974).

CONCLUSION

SVA's contention 1 should be recast to eliminate reference to NUREG-0654; contention 2 should be excluded.

Respectfully submitted,

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s/ R. K. Gad III
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Dated June 21, 1982

CERTIFICATE OF SERVICE

I, Thomas G. Dignan, Jr., one of the attorneys for the applicants herein, hereby certify that on June 21, 1982 I made service of the within document by mailing copies thereof, postage prepaid, to:

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